

Regular Meeting of December 28, 2004
Twin Pines Senior and Community Center

SPECIAL MEETINGS

CLOSED SESSION - 6:45 P.M.

- A. Public Employee Appointment Pursuant to Government Code Section 54957:
City Attorney
- B. Conference with Real Property Negotiators, Dan Rich and Karl Mittelstadt,
Regarding Purchase of Property pursuant to Government Code Section 54956.8:
APN 044-042-180.

Attended by Councilmembers Feierbach, Mathewson, Warden, Metropulos, Interim City Manager Rich, Deputy City Attorney Zaffarano (Item B only), Parks and Recreation Director Mittelstadt (Item B only). City Clerk Cook was excused from attending. Councilmember Bauer was absent.

ADJOURNMENT at this time, being 7:15 P.M., Item A of this Closed Session was adjourned, and Item B was adjourned to the end of the Regular Meeting.

This meeting not tape-recorded or videotaped.

Terri Cook
City Clerk

REGULAR MEETING
CALL TO ORDER 7:30 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Warden, Feierbach, Mathewson, Metropulos

COUNCILMEMBERS ABSENT: Bauer

Staff Present: Interim City Manager Rich, Deputy City Attorney Zaffarano, Community Development Director Ewing, Public Works Director Davis, City Clerk Cook.

PLEDGE OF ALLEGIANCE

Led by City Clerk Cook

REPORT FROM CLOSED SESSION (from December 14, 2004 and earlier this evening)

Mayor Warden reported that direction had been given but no action taken on the Closed Session held at the end of the meeting of December 14, 2004, and on Item A earlier this evening. He advised that Item B would be continued to the end of tonight's meeting.

SPECIAL PRESENTATIONS

Proclamations Honoring Aisha Ali, Kaila Figone and Madeleine Evans on Achieving the Girl Scout Gold Award.

Councilmember Mathewson stated that he was privileged to have attended the Gold Awards ceremony and present Proclamations to Aisha Ali, Kaila Figone, and Madeleine Evans. He noted

that the Gold Award is the culmination of many years of work in Girl Scouts. He described Ms. Evans' community service project, which involved providing dance lessons to children who would otherwise not be able to participate in such a program because of financial constraints.

Mayor Warden stated that Ms. Ali and Ms. Figone had completed their community service project as a team, which involved assembling baskets of baby goods for unwed teens.

Kaila Figone stated the idea for their project came from the security guard at Carlmont and that she and Aisha saw this as an opportunity to help their peers.

Aisha Alia described how they organized a donation drive to provide 60 baskets of needed items for unwed mothers at Redwood High School.

PUBLIC COMMENTS AND ANNOUNCEMENTS (10 Minutes)

Bruce Hamilton, Executive Director of HIP Housing, thanked the City Council for its continuing support. He stated that this is the fourth year of its calendar contest among local elementary school children, who submit artwork based on what home means to them. This year 530 entries were judged for the twelve spots available. He clarified that this is not a fundraiser but a tool to disseminate information about the HIP program. He distributed copies of the calendar to Council and to staff.

Councilmember Metropulos stated that he had been a judge last year, and that it was very difficult to choose from so many excellent entries.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Warden thanked Council and staff for being at tonight's meeting. He recognized that it was in the middle of the holiday season, and it had been many years since a second December meeting had been held.

Mayor Warden announced the groundbreaking ceremony for the new library on January 6, 2005, at 3:30 p.m.

CONSENT CALENDAR

Approval of Minutes of Regular Meeting of November 23, 2004.

Acceptance of Written Communications: 1) Bankruptcy Court, in re AB Dick Company, et al., Debtors, Case No. 04-12002, Notice of Bar Date for Filing Proofs of Claim, received December 21, 2004.

Approval of Ordinance 1004 Amending Article 8, Chapter 2 (Administration) Section 2-161 of the Belmont Municipal Code, Terms of Planning Commissioners/Vacancies (second reading & adoption).

Approval of Resolution 9618 Approving the Appendix Dated July 2004 of Certain Designated Employees In The Local Conflict Of Interest Code.

Motion to modify Council Intergovernmental assignments.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Metropulos, the Consent Calendar was unanimously approved by a show of hands (4-0, Bauer absent).

OLD BUSINESS

Police Department/City Hall Project - December Monthly Update and Policy Issues

Interim City Manager Rich reviewed the progress of construction. At this time approximately \$240,000 in change orders are expected, which may go higher, but he clarified that this amount is still within the total available contingency fund. The project is behind schedule, with an expected completion date of April.

He reviewed items requiring direction from Council.

Grand Opening

Interim City Manager Rich stated that there is a two- to three-month difference between the completion of Phase I and Phase II of the project, and recommended a low-key ceremony to mark the end of Phase I, with a larger ceremony for the final.

Councilmember Metropulos stated that Phase I is an important milestone because the bulk of the police personnel will be moving into the building.

Council concurred with the staff recommendation.

Plaque

Interim City Manager Rich stated that this item was solely at the discretion of Council. He described other plaques in other facilities, and noted that a number of Councilmembers and staff members involved in the inception of the project were no longer with the City.

Brief discussion ensued, and Council concurred to install a dedication plaque, and to delegate the specific wording to staff.

Interim City Manager Rich clarified that there would be other ways to acknowledge individuals.

Visitor Parking

Interim City Manager Rich recommended designating six to eight spaces nearest the entrance of City Hall for visitor parking. He clarified there would be no time limit, but it would discourage people who would be on site all day, including staff, from parking there. He also clarified that there were legal ramifications for imposing time limits, and recommended omitting them.

Council concurred with the recommendation for visitor parking spaces, and requested a six-month evaluation.

Logo

Interim City Manager Rich stated that the original artist's rendering of the logo indicated placement of the logo on one of the curved exterior walls. He noted that this location, and its size, presented logistical problems.

Council concurred to move the logo as recommended, and to make it larger to be more proportional to the building.

NEW BUSINESS

Analysis of Feasibility of a Public Works Commission and Request for Direction from City Council

Public Works Director Davis described the procedures followed by the existing Traffic Safety Committee (TSC), and noted that appeals of its decisions could be made to City Council. He stated that a packet is provided, the party requesting as well as impacted persons are invited to attend, and added that the makeup of the Committee is technical in nature, with safety being the primary consideration.

Public Works Director Davis described existing public works and parking/traffic commissions in other cities. He outlined the costs and staff work involved in any commission, and noted there was no way to offset the costs unless a fee was established. He described the pros and cons of each option, including impact on the General Fund. He acknowledged the desire for a hearing body for controversial items as a way to flush out issues before coming to Council.

In response to Council questions, Deputy City Attorney Zaffarano clarified that if Council appointed public members to the TSC, it would be considered a standing committee subject to the Brown Act. He also clarified that an ad hoc committee is usually appointed for a specific issue, with an ending date for its task.

Council discussion ensued.

Councilmember Feierbach stated that the Planning Commission feels a link to public works issues, and has seen items that it would have liked to have reviewed.

Councilmember Mathewson stated that this was about aesthetics, but the number of issues was not significant. He stated that projects such as the Bike/Pedestrian Bridge could involve review by the Planning Commission and a public works commission. Community Development Department Director Ewing responded that there could be scheduling problems involving two different departments.

In response to Councilmember Mathewson, Public Works Director Davis stated that funding options for a commission had not been explored, and the only fees currently collected were solely for development review and for hauling.

Warren Gibson, Planning Commission Chair, stated there was merit to having a public works commission. He stated that if people with experience such as engineering were appointed, the

learning curve could be short. He noted that the Public Works Department has brought items to the Planning Commission for review in the past. He does not support more meetings for the Planning Commission, and is concerned regarding the potential costs for a new commission. He recommended if the Council did not initiate a public works commission in 2005, that it revisit the issue at a later date.

Chris Wozniak, Planning Commissioner, stated that institutional memory and public involvement is important. She supported adding the scope of work to the Planning Commission.

Councilmember Feierbach stated that she could not support a new commission since Council had just eliminated the Arts Commission, although she could support it for the future. She supported adding Planning Commissioners or public members to the TSC, and bringing special public works projects to the Planning Commission for review. She noted that public members could provide public perspective to traffic and parking issues.

Councilmember Metropulos stated that because the Planning Commission is backlogged, he could not support the additional workload. He does not support a full commission, but could support adding two public members to the TSC who are not current commissioners, to allow for more community involvement. He noted that the public has the ability to bring issues to the TSC.

Councilmember Mathewson supported adding public members to the TSC, but expressed concerns regarding the cost for noticing the meetings.

Interim City Manager Rich expressed concerns regarding adding lay people to the TSC due to the technical nature of the committee. He recommended establishing an appeal process as an alternate.

Judy King, Fifth Avenue, suggested that a subcommittee of two Councilmembers appoint a public member to the TSC. She expressed a concern regarding the establishment of a public works commission since the expectation is that a commission can make things happen. She also noted that the Council had just eliminated the Arts Commission, and it would be embarrassing to the City if it commenced with a new commission.

Councilmember Mathewson stated that he supports the establishment of a public works commission but that it is not financially feasible. He supports Planning Commission review of specific public works items, and recommended establishing criteria. He added that he does not support the status quo of doing nothing.

Public Works Director Davis stated that he could work with the technology staff to make more information regarding the TSC available on the Web.

Council concurred not to establish a public works commission at the present time.

Mayor Warden stated that he does not support adding items to the Planning Commission's workload due to the backlog, and it would be a burden on the Commission and staff. He noted the difficulty with involving two departments on issues. He supported adding Planning

Commissioners to the TSC, since they have knowledge of the process. He supported creating a higher level of public visibility for the TSC, and would support a future commission for reviewing garbage rates and other fees.

Councilmember Metropulos supported making the TSC process more available to the public without creating additional bureaucracy. He recommended appointing a liaison to the TSC.

Council discussion ensued.

Community Development Director Ewing stated that there is a wide range of issues that could be addressed without additional bureaucracy. He noted that Council could direct the Planning Commission to review City-initiated public works projects.

Council concurred to explore options to expand the membership of the Traffic Safety Committee.

RECESS: 9:05 P.M.

RECONVENE: 9:15 P.M.

Discussion and Direction on Composition and Responsibilities of Permit Efficiency Task Force

Community Development Director Ewing stated that the Permit Center was established as a way to improve permit services. He noted that concerns still exist, and that this issue was discussed at the recent Joint Meeting with the Planning Commission. He suggested that the Council develop a list of issues, and convene a task force to address those issues. He recommended that a potential task force include Councilmembers, Planning commissioners, and business and residential members. He stated that a consultant could be used for impartiality. He reviewed the recommended work program.

Councilmember Feierbach recommended that those receiving the questionnaire have the option for anonymity, which may provide more candor in their answers.

Mayor Warden shared an email he received from a contractor new to Belmont to advise that his project went well. He noted there may be a perception of problems.

Councilmember Metropulos noted that much improvement has been made, and that problems may reside with contractors. He commended staff for a thorough staff report.

Council concurred with the recommendation for task force membership (2 City Councilmembers, 3 Planning Commissioners, 3 business representatives, 4 residential representatives), delegated the Mayor and Vice Mayor as the Council representatives and Task Force Steering Committee, and concurred to have the Planning Commission choose its own three members. There was consensus to have the Council and the Planning Commission submit names for the other task force members, and the Mayor and Vice Mayor would choose from that list.

Councilmember Mathewson recommended using public members not chosen for the task force as candidates for the questionnaire.

In response to Councilmember Feierbach's recommendation to include staff members on the task force, Community Development Director Ewing stated that issues may become too personal, and that the focus should be on issues, not people.

Council concurred to use a facilitator at some point during the process.

Discussion and Direction on Establishing a Citation Process for Code Enforcement

Community Development Director Ewing reviewed the principles of the code enforcement policy, but that the policy may not reflect current values. He summarized the current process for code enforcement, and noted that the desired outcome was compliance. He reviewed the Court process, and stated the outcome often results in undesirable compromises. He also reviewed options for cost recovery and the potential for revenue generation. He added that there would be additional expenses in implementing any new process or procedure.

In response to Council questions, Community Development Director Ewing stated that fines are not controlled unless challenged. He also stated that the use of collection agencies might be desired. He noted that some cities use significant fines as a means of producing revenue. He also commented that code enforcement also responds to work being performed through a building permit.

Councilmember Feierbach suggested reviewing data from other cities.

Mayor Warden concurred, and added that his goal is fairness and compliance.

There was Council consensus to explore this issue further, including data from other cities, and options for gaining faster compliance.

Interim City Manager Rich noted that this major project will need to be placed on the Priority Calendar. Community Development Director Ewing stated that the information can be gathered in the meantime.

Resolution Adopting Protocols for Planning Commission Review of Parks and Landscape Projects

Parks and Recreation Director Mittelstadt stated that Protocols had been drafted to define park projects for review by the Planning Commission. He clarified that the intent is for the Commission to review and comment prior to Council approval, but it would not impose conditions of approval. He reviewed potential projects, both past and future. Community Development Director Ewing stated that this would not generate additional work, but expressed concerns regarding the scheduling of items for Commission review. He recommended scheduling items after private application hearings.

Council concurred with Mayor Warden's suggestion to include traffic calming projects on the list of projects for Commission review.

ACTION: On a motion by Councilmember Metropulos, seconded by Councilmember Feierbach, Resolution 9619 Adopting Protocols for Planning Commission Review of Parks and Landscape

Projects, amended to include traffic calming projects, was unanimously approved by a show of hands (4-0, Bauer absent).

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Discussion and Direction to the Planning Commission to hold a hearing to consider revocation of the Arco Station Conditional Use Permit (Feierbach).

Councilmember Feierbach recommended directing the Planning Commission to hold a revocation hearing. She noted that although the project is finally moving forward, a hearing might put pressure on Arco to resolve this matter.

In response to Councilmember Metropulos, Community Development Director Ewing clarified that the existing conditional use permit (CUP) did not provide for daily fines for noncompliance, but this language could be included in future CUP's.

Council concurred to direct the Planning Commission to schedule a future revocation hearing for Arco.

Discussion to consider a Resolution in Support of the San Francisco Department of Public Health's Efforts in Obtaining a Formal Position from the California Conference of Local Health Officers on the Use of Chloramine in Drinking Water (Feierbach).

Councilmember Feierbach stated that the San Mateo County Board of Supervisors recently passed a resolution calling for an impartial analysis regarding the use of chloramines in drinking water. She noted that the City of Millbrae passed a similar resolution. She added that this is a health issue.

Council concurred to support a future resolution on this matter.

ADJOURNMENT to Continued Closed Session.

CONTINUED CLOSED SESSION

- A. Conference with Real Property Negotiators, Dan Rich and Karl Mittelstadt, Regarding Purchase of Property pursuant to Government Code Section 54956.8: APN 044-042-180.

Attended by Councilmembers Feierbach, Mathewson, Warden, Metropulos, Interim City Manager Rich, Deputy City Attorney Zaffarano, Parks and Recreation Director Mittelstadt. City Clerk Cook was excused from attending. Councilmember Bauer was absent.

(Closed Session not tape-recorded or videotaped.)

ADJOURNMENT at this time, being 10:25 P.M.

Terri Cook
Belmont City Clerk

Meeting Tape Recorded and Videotaped

Tape No. 598